

### REMARKS

Reconsideration of the above-identified application in view of this amendment and these remarks is respectfully requested. Original claims 1-20 are pending and new claims 21, 22 have been added. Applicant notes with appreciation the Examiner's indication of allowable subject matter in claims 14, 15 and 20.

### The Office Action

Claims 1 and 10 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,887,211 to Thiel et al. Claims 2-9, 11-13, 16 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Thiel in view of U.S. Patent Application Publication No. 2002/015146 to Rodriguez et al. Claims 18 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Thiel. The subject matter of claims 14, 15 and 20 are objected to as being dependent upon a rejected base claim.

### The §102 Claim Rejections

Under 35 U.S.C. §102, anticipation requires that each and every element of the claimed invention be disclosed in the prior art. . . . In addition, the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public. **Akzo N.V. v. United States International Trade Commission**, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), **cert. denied**, 482 U.S. 909 (1987). Furthermore, not only must each and every element be disclosed in the prior art reference, "[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." **Lindemann Maschinenfabrik GmbH v American Hoist & Derrick Co.**, 221 USPQ 481, 485 (Fed. Cir. 1984). These same principles are clearly recited in M.P.E.P §2131.

Thiel discloses an x-ray Computed Tomography (CT) system and, in contrast, the presently claimed invention is directed to a nuclear medicine system. As such, the respective image processing aspects of the two systems are substantially different. The acquisition data from a nuclear study is entirely different than the image projection data from a CT system. This requires

substantially different software configurations of the image processors, thus resulting in significant differences in system configurations for the processors. They are, in fact, different machines according to their substantially different programming. Image processing components configured and programmed for a CT system are not able to take acquisition data from a nuclear study and generate a meaningful diagnostic image. The programmed controllers and processors of a CT system are not enabling in a nuclear camera system.

**Claim 1** is directed to a nuclear camera system and Thiel is a CT system. The detector in claim 1 is for *radionuclide event data* not x-ray transmission data. This claimed element is not disclosed in Thiel. The processor of claim 1 processes the *event data*. Thiel processes CT data, which is substantially different processor software instructions and thus a different machine. Finally, the image processor of the claimed invention formats *the image data in an extensible and open data format*. The Examiner eliminated this claim element from the discussion of the Thiel reference. It is respectfully suggested that this aspect of the claimed invention is, in fact, one that must also be specifically disclosed in Thiel as arranged in the claimed invention. Thiel does not disclose any such formatting of the image data. With respect to **claim 10** the comments above apply in addition to the specific limitation in claim 10 that the *control data is stored in an extensible and open data format*. Thiel does not disclose separately formatting control data or image data let alone formatting control data in the claimed format.

The rejections of the claims are improper for at least the following reasons (i) the Thiel reference is not enabling to place the subject matter of the claimed invention in possession of the public, (ii) it does not recite the elements of the claimed invention as arranged in the claims and (iii) the additional language omitted by the Examiner to support the rejection needs to be considered with respect to the Thiel reference. It is respectfully requested that the improper rejections be withdrawn and that claims 1 and 10 allowed.

### **The §103 Claim Rejections**

Turning to **Claim 17**, as discussed above, Thiel does not disclose a nuclear camera, it does not disclose a nuclear detector for receiving radionuclide event data, it does not disclose a processor for processing event data and does not disclose formatting control data in an xml data format. It further does not disclose, teach or suggest that the storage medium has control data files provided by the manufacturer and such files for a nuclear camera modified or created by a camera user.

Rodriguez is directed to providing for alternate resolution and sized images to be displayed on websites so that visually impaired viewers may select between two different pre-provided images, see page 3 paragraph [0032]. It is respectfully suggested that this entirely different problem does not provide motivation such that the mere mention of "HTML/ XML image tag" in claim 4 meets the requirements to support a rejection under §103. Rodriguez informs the system/user that an alternate image exists and is available for viewing, see page 3 paragraph [0043]. Thiel does not disclose the claimed elements of claim 17 and there is not sufficient disclosure, teaching or suggestion in either reference to support a prima facie obviousness rejection. As such, the rejection is improper and it is respectfully requested that the rejection be withdrawn and that claim 17 be allowed.

Regarding **claims 2 and 11**, for reasons similar to those recited above for claim 17 the rejection is improper. In addition, claim 2 depends from claim 1 and claim 11 depends from claim 10. As such it is respectfully suggested that the claims are allowable as a result of their respective dependencies for at least the same reasons as claims 1 and 10. Withdrawal of the rejections and allowance of the claims is respectfully requested.

**Claims 3-9** depend ultimately from claim 1 and are allowable for at least the same reasons as claim 1. Withdrawal of the rejections and allowance of the claims is respectfully requested.

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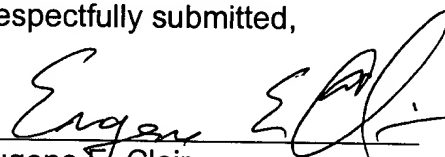
**Claims 12-16** depend ultimately from claim 10 and are allowable for at least the same reasons that claim 10 is allowable. Withdrawal of the rejections and allowance of the claims is respectfully requested.

**Claims 18, 19 and 20** depend ultimately from claim 17 and are allowable for at least the same reasons that claim 17 is allowable. Withdrawal of the rejections and allowance of the claims is respectfully requested.

Applicant notes with appreciation the Examiner's indication of allowable subject matter and new **claim 21** includes the subject matter of claim 14 that the Examiner recited in her reason for indication of allowable subject matter. Specifically, that the controller executes a script utilizing an xml format to control the acquisition of event data. New **claim 22** likewise rewrites claim 20 to include the claim element indicated as allowable in the Examiner's reason for indication of allowable subject matter.

In view of the foregoing, it is respectfully submitted that claims 1-22 distinguish patentably and unobviously over the prior art of record and that the application is in condition for allowance. Accordingly, allowance of the application is respectfully requested. Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 14-1270.

Respectfully submitted,

  
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Enclosures